



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 F St. N.E.
Washington, D.C. 20549

DIVISION OF ENFORCEMENT

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September 13, 2019

VIA ECF AND E-MAIL

Honorable Denise L. Cote
United States District Court
500 Pearl Street
New York, NY 10007

Re: SEC v. Lek Securities Corp. et al., Case No. 17 CV 1789 (DLC)

Dear Judge Cote:

Pursuant to Paragraph 4.A of the Court's Individual Civil Practices, plaintiff Securities and Exchange Commission ("SEC") hereby respectfully requests permission to file the following items under seal. Motions *in limine* are due on September 13, 2019. ECF No. 384. Copies of the items that the SEC wishes to file under seal will be delivered to the Court pursuant to the procedures outlined in Paragraph 4.A.

- **SEC's Memorandum of Law in Support of its Motion *in Limine* to Admit Certain Emails Sent and/or Received by Defendant Pustelnik, Declaration of Olivia S. Choe in Support Thereof, and Exhibits Thereto:** The SEC's trial exhibits include two emails sent and/or received by defendant Pustelnik (as well as a certified translation of one of these emails). The Avalon Defendants have objected to the admissibility of these emails, claiming that they are privileged. The SEC is filing a motion *in limine* asking the Court to enter an order admitting these exhibits and further requesting permission to introduce a redacted version of one email and its certified translation. While the SEC does not concede that the emails are privileged, pending the Court's ruling on the admissibility of these emails, the SEC respectfully requests that permission to file its memorandum of law (which discusses the emails and related testimony), the Declaration of Olivia S. Choe in support thereof, and exhibits thereto (including the emails and testimony transcripts) under seal. The

SEC's notice of motion is being publicly filed on this date. All of the motions papers are attached hereto as **Attachment 1**.

- **SEC's Letter Motion *in Limine***. The SEC seeks to submit under seal a brief letter motion that refers to a particular sensitive personal situation of an individual that would be appropriate to withhold from public view. The letter motion is attached hereto as **Attachment 2**.

For the foregoing reasons, the SEC thus respectfully requests that the Court grant it permission to file the above-described memoranda of law and exhibits under seal or in redacted form.

Respectfully submitted,

/s/ Olivia S. Choe

Olivia S. Choe

cc: James Wines (via e-mail)
Steven Barentzen (via e-mail)

Encl. (via e-mail and U.S. mail)